

FEB 19 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Trevor John Burke

Title: PROGRAMME GENERATION

Appl. No.: 09/462,550

Filing Date: 3/14/2000

Examiner: Victor R. Kostak

Art Unit: 2611

## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

EV 060047274 US February 19, 2004  
(Express Mail Label Number) (Date of Deposit)

Jose Ramos

(Printed Name)

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE**  
**TO RECEIVE NOTICE OF ALLOWANCE PER M.P.E.P. 711.03(c) II**

Mail Stop Petition  
 Commissioner for Patents  
 PO Box 1450  
 Alexandria, Virginia 22313-1450

RECEIVED

FEB 24 2004

Technology Center 2600

Sir:

The above-identified application became abandoned for failure to timely file corrected drawings with the payment of the issue fee. The Notice of Allowance and Notice of Drawing requirements were not received by applicant's domestic representative prior to the abandonment. Applicant hereby requests withdrawal of the holding of abandonment per MPEP § 711.03(c) based on the following:

Through a routine check of USPTO records on or about November 24, 2003, the undersigned became aware that the subject patent application had been allowed. A telephone call was made with Ms. Lewis in the Office of Publications on November 25, 2003 requesting a copy of the Notice of Allowance be sent to our office. We were advised By Ms. Lewis that a Power of Attorney signed by the Applicant is required as we were not recorded as the attorney of record. We immediately submitted the signed Power of Attorney by fax to the attention of Ms. Lewis on the same date and requested she provide us with a copy of the Notice of Allowance (Exhibit A).

A follow-up call was made with Ms. Lewis the following date (November 26, 2003) requesting to send us by fax the Notice of Allowance. At that time Ms. Lewis confirmed with us that only the Issue Fee was due and no formal drawings were required. We again requested that the Notice of Allowance be sent to us by fax. After four daily telephone reminders to Ms. Lewis, we received by fax on December 2, 2003 a blank Part B-Fee(s) Transmittal form PTOL-85 (Exhibit B). The Notice of Allowance was not provided. Also, no Notice requiring drawing changes was provided. We proceeded to submit payment of the Issue Fee on December 3, 2003 using the form provided by Ms. Lewis.

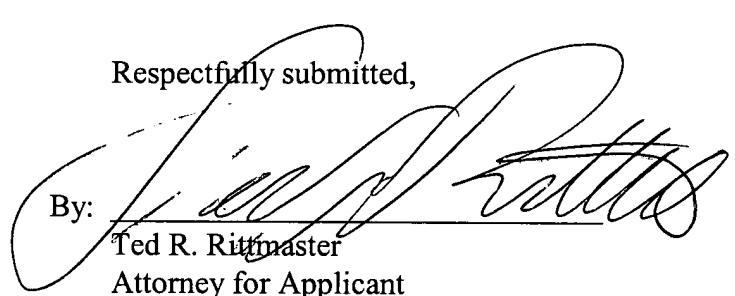
In view of the foregoing, Applicant requests the USPTO to withdraw the holding of abandonment of this application. Applicant also requests that the USPTO forward a copy of any Notice requiring drawing changes and provide at least a one-month period to respond to that Notice.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Date: February 19, 2004  
FOLEY & LARDNER  
Customer Number: 23392  
Telephone: (310) 975-7963  
Facsimile: (310) 557-8475

Respectfully submitted,

By:

  
Ted R. Rittmaster  
Attorney for Applicant  
Registration No. 32,933